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R E M A R K S

The Office Action issued July 20, 2006 has been received and its contents have been carefully considered.

The specification has been amended on page 5 to delete the phrase "or a right side up "U"."

Claim 1 has been amended to recite the spring plate as having "at least one hole with a bushing therein [elements 46 and 48, respectively, in Fig. 5] for attachment of the ring binder mechanism to a file folder".

Claim 1 has also been amended to delete the limitation that the pairs of half ring elements "[form] a substantially annular shape when in the closed position". These ring elements can, indeed, form a circular ring or a non-circular ring (for example, having a straight portion), as shown in Figs. 1 and 14, respectively. These two alternatives have been recited in two new claims 23 and 24, respectively.

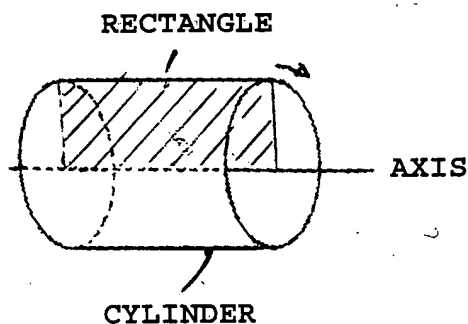
Claim 1 has also been amended to recite the "control means [element 38 in Figs. 1 and 5] for pivoting the hinge plates to move the pairs of ring elements between the open position and the closed position".

The objection to applicant's Amendment filed April 17, 2006 under 35 USC §132(a) is respectfully traversed in so far as it concerns the "circular cross-section" of the pairs of half ring elements, and thus the "rings". This objection is echoed in numbered paragraph 5 of the Office Action which concerns the limitation "circular cross-section" in claim 1.

First of all, by reviewing the drawings, particularly Figs. 3, 5, 15, 17 and 19, it can readily be seen that the ring elements are of circular cross section. Furthermore, claim 2 as originally filed refers to "the cylindrical rod of the half ring element".

Webster's New World Dictionary of the American language defines "cylinder" as "a solid figure described by the edge of a rectangle rotated around the parallel edge as axis."

Thus, as can be seen from the figure below, a geometric shape so created would have a circular cross-section.



Applicant respectfully submits that he is therefore entitled to recite the half ring elements as being "of circular cross-section" in claim 1.

Turning now to the merits of applicant's invention, claim 1, as previously presented, has been rejected under 35 USC §102 as being anticipated by the U.S. Patent No. 4,690,580 to Kissel. Claim 1, as now amended, contains a number of features which are neither disclosed nor suggested by Kissel.

Kissel teaches a ring binder mechanism which, like the present invention, can be connected to the spine of a binder or cover. As shown in Figs. 1 and 6, the mechanism comprises a spring-like cover 1, which supports two toggle plates 11 and 12 (Fig. 6). Ring elements 2 and 3 are affixed to the toggle plates and protrude through the cover 1.

Holes are provided at opposite ends of the cover (Fig. 1) to facilitate attachment, as by riveting, to the spine of a binder.

As is clearly illustrated in Figs. 2-5, the ring elements are of oval cross-section.

Claim 1 now recites a ring binder mechanism comprising the following elements:

- (1) An elongated "spring plate";

- (2) One or more bushings inserted through corresponding holes in the spring plate;
- (3) Two parallel hinge plates;
- (4) A plurality of rings, each formed of a pair of half ring elements of circular cross-section;
- (5) Control means for pivoting the hinge plates.


The free ends of the half ring elements are centrally concave and centrally convex, respectively, so that they rest together and self-align symmetrically about their axis line when in the closed position.

Kissel fails to teach or suggest self-aligning cylindrical ring elements arranged on a ring binder mechanism having bushings to facilitate attachment to the spine of a cover and "control means" to enable a user to toggle the ring elements open and closed. Accordingly, claim 1, which defines these features is believed to distinguish patentably over Kissel.

Since the Examiner's objection to the phrase "a right side up "U"" has been overcome by canceling the phrase from the specification, since the term "circular cross-section" is believed to be supported by applicant's disclosure, and since claim 1 (as amended), the only independent claim in this application, recites a ring binder mechanism which distinguishes patentably over Kissel, this application is

believed to be in condition for immediate allowance. A formal Notice of Allowance is accordingly respectfully solicited.

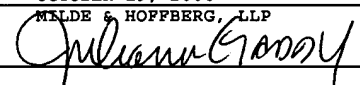
Respectfully submitted,

By 
Karl F. Milde, Jr.
Reg. No. 24,822

MILDE & HOFFBERG, LLP
10 Bank Street - Suite 460
White Plains, NY 10606

(914) 949-3100

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